IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7519 OF 2005

Daud Ahmed Solkar & Ors. .. Applicants

Versus

The State of Maharashtra & Ors ... Respondents

Mr.Mubin H. Solkar for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th November 2005.

P.C.

. Application No.7352 of 2005 was placed before learned Vacation Judge on 2nd November 2005 and after hearing parties, learned Vacation

Judge was pleased to release the applicant therein on bail. However, while so releasing, a condition was imposed that he shall not enter limits of village Sai until disposal of the criminal application.

2. Today application No.7519 of 2005 is placed before me for modification of this condition and it is pointed out that the complainant who is ordinarily residing in United Kingdom has left the said village along with his wife on 9th November 2005. It is further pointed out that the applicant is permanent resident of said village. He is 65 years of age and a school teacher by profession. Presently, he is living a retired life. There are no other cases pending.

3. Application was adjourned with a view to enable A.P.P. to take instructions. Learned A.P.P. leaves the matter to Court. In the circumstances, following order:-

i) Criminal Application No.7352 of 2005 is disposed of in the light of the order passed by the learned vacation Judge on 2nd November 2005. However, condition No.(iii) imposed by the said order is deleted.

ii) However, this order shall not in any manner affect the right of either complainant or the prosecution to apply for cancellation of bail in case there is a case made out for the same. Similarly, it would be open for them to point out that this condition be reimposed if the facts and circumstances so require.

(S.C.DHARMADHIKARI, J)